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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,929	10/31/2000	Pau Soler	60002642Z132	9931
22879	7590	12/29/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			BURLESON, MICHAEL L	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/702,929

**Applicant(s)**

SOLER, PAU

**Examiner**

Michael Burleson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

1. Claims 6-9,11 and 12, objected to because of the following informalities:  
"nonblack", should read – non-black --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1,3,4,5 recites the limitation "the measured black-ink ramp" and "the measured composite-black ramp" in page 51,lines 8-9. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 26 recites the limitation "the measured actual-ink ramp" and "the measured other-colors-ink ramp" in page 57,lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

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4. Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 11, Applicant states, "the nominal values in a pattern, in color space". Examiner does not understand what is meant by "a pattern, in color space".

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-8,10-12 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada US 6331042.
3. Regarding claim 1, As best understood by the claim language, Yamada teaches of an ink jet color printer having calibration capabilities (column 2, lines 56-57), which reads on a method for color-calibrating a printing device. Yamada teaches of a calibration chart that is printed by the printer unit (203) (column 3, lines 29-33). The calibration chart contains gray square shaped background patterns that are formed

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using black ink and a process black ink (column 3, lines 40-46). This reads on using the printing device to print a gray ramp with black ink and using the same said printing device to print a nominally gray ramp with composite-black ink. Yamada teaches that the calibration chart is designed such that a minimum difference the gray pattern of the black ink and the process black ink (column 3, lines 55-60), which reads on measuring and comparing the printed gray ramps. Yamada teaches that the patch with the minimum color difference is selected for the parameter inputting means (303), which is used in a combined look up table which represents the correction conditions to be employed (column 3, lines 55-67 and column 4, lines 1-18). This reads on employing the measured black-ink ramp as a standard to correct the measured composite-black ramp.

4. Regarding claim 2, Yamada teaches that the calibration process is done by the printer unit (203), (column 3, lines 25-33), which reads on all the steps are performed automatically.

5. Regarding claim 4, As best understood by the claim language, Yamada teaches that by using the standard characteristics of the calibration chart, a look up table can be generated and used to correct all non-characteristics of a printer and variations of ink heads and ink (column 4, lines 19-24), which reads on using the compared black ink and composite black ramps to also correct other printing with composite black.

6. Regarding claim 5, As best understood by the claim language, Yamada teaches that by using the standard characteristics of the calibration chart, a look up table can be generated and used to correct all non-characteristics of a printer and variations of ink

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heads and ink (column 4, lines 19-24), which reads on using the compared black ink and composite black ramps to also correct other colors to be printed by the printer.

7. Regarding claim 6, Yamada teaches that yellow, magenta and cyan are mixed to form process black (column 3, lines 43-46), which reads on using step with composite black ink comprises printing, for a particular gray tonal level, plural combinations of non-black inks.

8. Regarding claim 7, Yamada teaches that cyan, magenta and yellow intensity levels are increased based on the alphabetical characters and numeric characters on the chart (column 3, lines 46-54), which reads the plural combinations of non-black inks substantially bracket nominal values for the particular gray value.

9. Regarding claim 8, Yamada teaches that combinations of CMY should be selected to obtain gray at a center position (column 7, lines 4-10), which reads on searching the printed and measured plural combinations of non-black inks to find a combination that is nearest the corresponding particular gray value.

10. Regarding claim 10, Yamada teaches that cyan, magenta and yellow intensity levels are increased based on the alphabetical characters and numeric characters on the chart (column 3, lines 46-54), which reads on optimized bracketing of the nominal values.

11. Regarding claim 11, As best understood by the claim language, Yamada teaches that combinations of CMY should be selected to obtain gray at a center position (column 7, lines 4-10), which reads on said optimized bracketing comprises printing with said

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plural combinations of non-black inks that surround the nominal value in a pattern, in color space, that is substantially centered on the nominal value.

12. Regarding claim 12, claim 12 is rejected for the same reasons as claim 8.

13. Regarding claim 26, As best understood by the claim language, Yamada teaches of an ink jet color printer having calibration capabilities (column 2, lines 56-57), which reads on a method for automatically color-calibrating a printer. Yamada teaches of a calibration chart that is printed by the printer unit (203) (column 3, lines 29-33). The calibration chart contains gray square shaped background patterns that are formed using black ink and a process black ink (column 3, lines 40-46). This reads on using the printer to print a ramp in a particular color with actual ink of that color and inks of other colors. Yamada teaches that the calibration chart is designed such that a minimum difference the gray pattern of the black ink and the process black ink (column 3, lines 55-60), which reads on measuring and comparing the printed ramps. Yamada teaches that the patch with the minimum color difference is selected for the parameter inputting means (303), which is used in a combined look up table which represents the correction conditions to be employed (column 3, lines 55-67 and column 4, lines 1-18). This reads on using the measured other-colors-ink ramp and also to correct other printing with said other colors.

***Allowable Subject Matter***

14. Claims 3,13-17 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson at (703) 305-8683. The examiner can normally be reached Monday thru Friday, 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone



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numbers for the organization where this application or proceeding is assigned are  
(7013) 872-9306 for regular communications and after final communications.

Any inquiry of a general nature or relation to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 305-  
3900.

MIb

December 13, 2004

*KAWilliams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

*MB*